

ORDER OF THE SUPREME COURT OF TEXAS

Misc. Docket No. 99- 9244

ORDER AMENDING CONTINUING EDUCATION RULES FOR COURT REPORTERS AND RULE VI(B) OF THE STANDARDS AND RULES FOR CERTIFICATION OF CERTIFIED SHORTHAND REPORTERS

IT IS ORDERED that:

1. Pursuant to Sections 52.002 and 52.015 of the Texas Government Code, the Court approves the attached amendments to the Continuing Education Rules for Court Reporters, effective January 1, 2000.

2. Pursuant to Sections 52.002 and 52.013 of the Texas Government Code, Rule VI(B) of the Standards and Rules for Certification of Certified Shorthand is amended to read as follows, effective January 1, 2000:

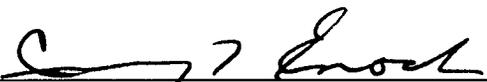
**B. Examination Fee.** A fee of fifty (\$50) dollars for Part B, one hundred (\$100) dollars for Part A, or one hundred (\$100) dollars for Parts A & B combined shall be due and payable not later than midnight on the date established by the Board.

3. The Clerk is directed promptly to file a copy of this Order with the Secretary of State and to cause a copy of this Order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*.

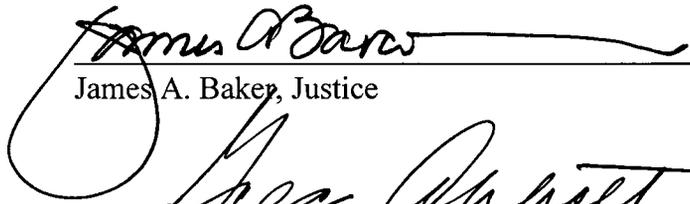
By the Court, en banc, in chambers, this 3<sup>rd</sup> day of January, 2000, ~~1999~~.

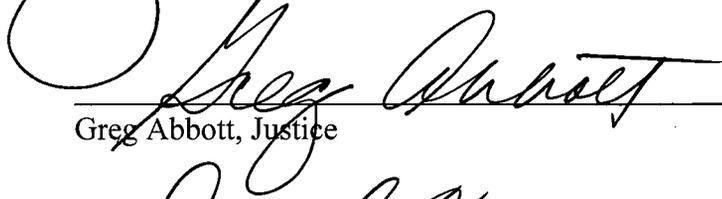
  
Thomas R. Phillips, Chief Justice

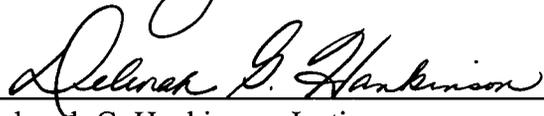
  
Nathan L. Hecht, Justice

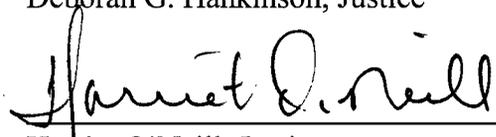
  
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Craig T. Enoch, Justice

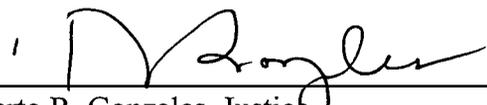
\_\_\_\_\_  
Priscilla R. Owen, Justice

  
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James A. Baker, Justice

  
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Greg Abbott, Justice

  
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Deborah G. Hankinson, Justice

  
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Harriet O'Neill, Justice

  
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Alberto R. Gonzales, Justice

# ***CONTINUING EDUCATION RULES FOR COURT REPORTERS***

(a) **Continuing Education (CE) Requirements**

- (1) Beginning with the December 31, 1998, renewal and every renewal after that, every registrant who applies for renewal of a certification as a certified shorthand reporter (CSR) shall complete during the renewal period one (1.0) continuing education units (hereinafter "CEU" or "CEUs") which equals 10 hours of continuing education instruction relevant to the practice of shorthand reporting.
- (2) A renewal period is the 24 months preceding December 31 of each renewal year except for delinquent renewal applicants. *See Rule (j).*
- (3) Each CEU activity must be at least 60 minutes of actual clock time spent by a registrant in actual attendance at and completion of an approved CEU activity. Each CEU activity must be .10 CEUs subject to approval by the Court Reporters Certification Board (hereinafter "Board"). Some CEU activity may receive less credit based on the content of the material. After completion of the initial 60 minutes of CEU activity, credit may be given in one-half hour increments.
- (4) Approved CEU activity must have been completed in the biennium immediately preceding the certification renewal except for delinquent renewal applicants. Additional CEUs earned may not be used for subsequent renewal periods.
- (5) A candidate certified by examination must comply with the CE requirements as set forth in this section by completing one (1.0) continuing education unit(s) on or before the candidate's initial certification expiration date.
- (6) Shorthand reporters certified in Texas but residing and practicing in other states shall comply with the CE requirements set forth in this section.
- (7) Conversion Table:

<u>CE Credits</u>	<u>CEUs</u>	<u>Number of Hour(s)</u>
1 credit	-----	0.5 hour (30 minutes)
2 credits	.10 CEUs	1.0 hour
3 credits	.15 CEUs	1.5 hours
4 credits	.20 CEUs	2.0 hours
5 credits	.25 CEUs	2.5 hours
6 credits	.30 CEUs	3.0 hours
7 credits	.35 CEUs	3.5 hours
8 credits	.40 CEUs	4.0 hours
9 credits	.45 CEUs	4.5 hours
10 credits	.50 CEUs	5.0 hours
11 credits	.55 CEUs	5.5 hours
12 credits	.60 CEUs	6.0 hours
13 credits	.65 CEUs	6.5 hours
14 credits	.70 CEUs	7.0 hours
15 credits	.75 CEUs	7.5 hours
16 credits	.80 CEUs	8.0 hours
17 credits	.85 CEUs	8.5 hours
18 credits	.90 CEUs	9.0 hours
19 credits	.95 CEUs	9.5 hours
<u>20 credits</u>	<u>1.0 CEUs</u>	<u>10.0 hours</u>

(b) **How to Acquire CEUs**

(1) CEUs may be earned from:

- (A) Verified attendance (e.g., certificate of attendance or certificate of completion) at or participation in a program, activity or course ("program") presented by a continuing education sponsor in subsection (c) below.
- (B) Verified attendance at a program presented by a continuing education sponsor in subsection (c) below that is of general information value to shorthand reporters but does not directly relate to the reporter's ability to produce an accurate and timely transcript.
- (C) Verified personal preparation of educational presentations pertaining to the profession of court reporting and serving as an instructor, speaker or panel member at a Board approved CEU seminar will be allowed as CEUs for actual presentation time, plus actual preparation time of up to 2 hours for each hour of presentation. CEUs for preparation time shall not be allowed for repetitious presentations. No more than .25 CEUs can be earned under this category in any one renewal period and must be Board approved to receive continuing education credit.
- (D) Writing articles pertaining to the profession of court reporting and published in a state or nationally recognized professional journal of court reporting or law. No more than .25 CEUs can be earned under this category in any one renewal period. The published article must be Board approved to receive continuing education credit. Credit will not be allowed for the same article published in more than one publication.

(2) Courses successfully completed with a grade of "C" or better or a "Pass" on a pass/fail system that are a part of the curriculum of a university, college or other educational institution that leads to an academic degree (e.g., associate, bachelor's, master's or doctorate degree) directly related to the Certified Shorthand Reporter's knowledge, ability or competence to perform his/her duties as described in subsection (c)(3)(i-viii). One semester of course work is equivalent to .40 CEUs; one trimester of course work is equivalent to .35 CEUs; and one quarter of course work is equivalent to .25 CEUs.

(3) Attendance at or participation in a board meeting, committee meeting, conference, examination session, or any other program of the Court Reporters Certification Board by an official or freelance court reporter appointed to the Board by the Supreme Court of Texas. No more than .50 CEUs (5 hours) can be earned under this category in any one renewal period.

(c) **CEU Sponsors and Programs**

(1) Sponsor, as used in this Section, shall mean the following:

- (A) National Court Reporters Association;

- (B) The Texas Court Reporters Association or any court reporters association whose course or program has been approved for CEUs under the guidelines of the National Court Reporters Association or has been approved by the Court Reporters Certification Board;
  - (C) Any computer users group whose program or course has been approved for CEUs under the guidelines of the National Court Reporters Association or has been approved by the Board;
  - (D) A city, county, state or federal judicial body responsible for coordination and presentation of CEU courses or programs for its employees whose courses or programs have been approved under the guidelines of the National Court Reporters Association or has been approved by the Board;
  - (E) A university or college course or adult education program approved under the guidelines of the National Court Reporters Association or approved by the Board that contributes directly to the Certified Shorthand Reporter's knowledge, ability or competence to perform his/her duties; and
  - (F) Any other school, college or university, state agency, or any other person, firm or association that has been approved and authorized under the guidelines of the National Court Reporters Association or approved by the Court Reporters Certification Board to coordinate and present CEU courses and programs in conjunction with this section.
- (2) Entities seeking approval as CEU sponsors or applicants seeking CEUs earned in other jurisdictions, shall file an application on the forms provided by the Board. Along with the application, the sponsor shall submit a list of proposed programs including the description, location, date and time of the programs. The sponsor shall certify on the application the following:
- (A) That all programs offered by the sponsor for CEUs will comply with the criteria in subsection (c)(3) below and all other criteria in this section;
  - (B) That the sponsor will be responsible for verifying attendance at each program and provide a certificate of attendance as set forth in subsection (c)(9) below;
  - (C) That the sponsor (excluding the National Court Reporters Association) shall furnish to the Board a list of participants specifying the provider, title, date, and location of program; number of CEUs; and provider grades, if applicable. The list of participants forwarded to the Board by the sponsor shall be in alphabetical order by last name and include each participant's certified shorthand reporter (CSR) number.

- (D) That upon request by the Board, the sponsor will submit evidence as is necessary to establish compliance with this section. Evidence may include course materials such as target audience, program planning, materials, content, objectives, outline of instructor qualifications, teaching methods and materials, evaluation tools and summary, a list of participants and original participant written evaluations. Evidence shall be required when the Board has reason to believe that there is not full compliance with this requirement and that the information is necessary to ensure compliance.
  
- (3) All programs shall:
  - (A) Contribute to the advancement, extension and enhancement of the professional skills and knowledge of the individual registrant in the practice of shorthand reporting;
  
  - (B) Include one or more of the following subjects directly related to the shorthand reporter's ability to produce accurate and timely transcripts;
    - (i) English, including grammar, punctuation, general principles, spelling, vocabulary, etymology, usage, semantics, regional and minority dialects or colloquialisms, English history, transcript styles;
  
    - (ii) Medical, including Greek and Latin derivatives, homonyms, abbreviations, surgical procedures, pharmacy, anatomy and physiology, specialized medical fields, (e.g., neurology, dentistry, radiology, gastroenterology), with emphasis on terminology and techniques or concepts likely to be encountered during litigation;
  
    - (iii) Legal, including terminology, research techniques, presentations on the various subdivisions of law (e.g., criminal torts, domestic relations, corporate, admiralty, patent, environmental) and procedural law (e.g., depositions, trials, administrative proceedings) presentations by legal specialists or experts in the field, history of the American/world legal system;
  
    - (iv) Technical subjects presented by experts with emphasis on terminology and concepts encountered by the shorthand reporter during litigation (e.g., accident reconstruction, chemistry, construction, geology, insurance, maritime, aerospace, products liability, industrial and environmental pollution);

- (v) Technology related to new developments in the field of reporting (e.g., computer technology, computer techniques, video, telecommunications, equipment maintenance);
  - (vi) General litigation procedures as they relate to court, deposition and administrative proceedings (e.g., reporting depositions, court hearings, arbitrations, conventions and the court reporter's responsibility with regard to these proceedings, marking exhibits, reading back, going on and off the record, review of statutes, rules related to the reporter);
  - (vii) Transcript preparation, including indexing of witnesses, exhibits, formats, dictating, editing and scoping, reference libraries and research techniques, proofreading; and
  - (viii) Public relations, management, including financial and personnel, equipment maintenance, office procedures, record keeping, personal tax management, planning for retirement or changing careers within reporting, maintaining individual reporter's health and emotional adjustment, time and stress management;
- (C) Be relevant to the needs of shorthand reporters and also to the reporting service needs of the users;
  - (D) Be developed and presented by persons with education and/or experience in the subject matter of the program;
  - (E) Specify for whom the program is primarily designed, the course objectives, course content and teaching methods to be used; and
  - (F) Suggest, subject to Board approval, the number of CEUs that may be applied to fulfilling the Texas CEU requirements for renewal of the certification of a certified shorthand reporter.
- (4) Each CEU program shall provide a mechanism for evaluation of the program by the participants. The evaluation may be completed on-site immediately following the program or an evaluation questionnaire may be distributed to participants to be completed and returned by mail. The sponsor and the instructor, together, shall review the evaluation outcome and revise subsequent programs accordingly.
  - (5) An approved sponsor may subcontract with individuals and organizations to provide approved programs.
  - (6) Continuing education units may be awarded for home study courses and correspondence courses, provided they are courses administered by approved sponsors.

- (7) Sponsors may submit to the Board a list of courses and programs to be offered in the next 12 months. The list shall include a brief description, location, date and time of each course given.
  - (8) **Certificate of Attendance.** It shall be the responsibility of a sponsor to provide each participant in a program with a certificate of attendance or participation. The sponsor's certificate of attendance shall contain:
    - (A) The name, address and CEU sponsor number of the sponsor;
    - (B) The name, address and CSR number of the participant;
    - (C) A brief statement of the subject matter;
    - (D) The number of hours attended and/or CEUs earned in each program;
    - (E) The date and place of the program; and
    - (F) The signature of the sponsor.
  - (9) The sponsor shall maintain attendance records for not less than 5 years.
  - (10) The sponsor shall be responsible for assuring that no renewal applicant shall receive CEUs for time not actually spent attending the program.
  - (11) Upon the failure of a sponsor to comply with any of the foregoing requirements, the Board, after notice to the sponsor, may refuse to accept CEUs for attendance at or participation in any of that sponsor's CEU programs until such time as the Board receives assurances of compliance of this section.
  - (12) Notwithstanding any other provision of this section, the Board may evaluate any sponsor of any approved CEU program at any time to ensure compliance with requirements of this section.
- (d) **Activities Not Qualifying for CEU**
- (1) Certain activities that shall not be considered acceptable for continuing education units include, but shall not be limited to, the following:
    - (A) Attendance or participation at professional or association business meetings, conferences, general sessions, elections, policymaking sessions or program orientation;
    - (B) Serving on committees or councils or as officers in a professional organization;
    - (C) Entertainment and recreation;
    - (D) Tours, visiting exhibits;
    - (E) Any function for which the registrant receives remuneration as part of his/her regular employment;
    - (F) In-house training on office equipment;

- (G) Courses with a main thrust of teaching nonverbal skills (e.g., golf, tennis, dancing, basket-weaving);
  - (H) Any activity completed before the first renewal period for which the renewal applicant is required to obtain CEUs; and
  - (I) Education required by the Board as part of a disciplinary action.
- (e) **Certification of Compliance with CEU Requirements.** Each renewal applicant shall certify, on the renewal application, full compliance with the CEU requirements set forth in subsections (a) and (b) above.
- (f) **Compliance Verification**
- (1) If there appears to be a lack of compliance, the Board may request additional information from applicants to verify compliance with the continuing education requirements.
  - (2) Within 30 days following notification of lack of compliance, the applicant shall submit evidence (e.g., certificate of attendance or other approved documentation) to verify compliance with continuing education requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance. These records verifying CE compliance shall be maintained by the renewal applicant for a minimum of two consecutive renewal periods or four years.
  - (3) The Board shall notify the licensee of the results of the compliance verification and the change of the licensee's status to inactive for individuals determined to be non-compliant.
  - (4) Failure to notify the Board of a current mailing address will not absolve the licensee from the verification audit process.
  - (5) CE compliance verification shall be automatic for a renewal applicant who has been found non-compliant in an immediately preceding renewal period.
- (g) **Appeals**
- (1) Any individual who wishes to appeal a determination of non-compliance with continuing education requirements must submit a letter of appeal within 15 days of notification of the compliance verification results or request a hearing before the Board as specified in Rule VII. of the *Standards and Rules for Certification of Certified Shorthand Reporters*.
  - (2) The status of an individual who appeals a determination of non-compliance shall be deemed in good standing until a final decision is made by the Board.
  - (3) The decision of the Board after the appeal shall be considered final and binding.
- (h) **Disciplinary Action for Non-Compliance**
- (1) Failure to maintain required records, falsifying records, or intentionally misrepresenting programs for continuing education may provide grounds for disciplinary action in accordance with Texas Government Code, Sec. 52.027.
  - (2) Licensees found non-compliant 120 days after the certification expiration date may be referred to the Board for possible disciplinary action.

- (3) The Board may revoke or suspend a certification or issue a reprimand after notice and opportunity for a hearing.
- (4) The notice shall be mailed to the registered address of the shorthand reporter not later than the 30th day before the date the hearing is scheduled.
- (i) **Continuing Education Earned in Other Jurisdictions.** If an applicant has earned CEUs offered in another state or territory not given by an approved sponsor for which the applicant will be claiming credit toward full compliance in Texas, the applicant shall submit an individual program approval request form prior to expiration of the certification. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(3) of this Section. Applicants may seek individual program approval prior to the participation in the program as set forth in subsection (c)(2) of this section.
- (j) **Delinquent Renewals.** If a renewal applicant allows his or her certification to expire on January 1, the Board may renew a delinquent certification if, not later than the 120th day after the date of expiration, the applicant shows proof of completion of one (1.0) CEU. This applies whether the renewal applicant has been delinquent for one day or longer. The CE activity for delinquent renewals must be earned during the 24 months preceding December 31 of each renewal year and/or within 120 days after the expiration date of the renewal applicant's certification. Continuing education acquired by a delinquent renewal applicant during the 120-day grace period may not be used to satisfy the continuing education requirement for the applicant's subsequent renewal period.
- (k) **Filing Timeliness.** For the purpose of determining whether a renewal application form is timely filed, the renewal form shall be deemed submitted when actually delivered at the office of the Board or when postmarked as having been mailed prior to midnight on the expiration date.
- (l) **Reinstatement of Nonrenewed or Inactive Certifications.** The Board may reinstate a nonrenewed or inactive certification that has been expired for more than 120 days upon satisfactory evidence of compliance with the CE requirements, to be determined by the Board, and conditional upon the applicant successfully fulfilling the requirements under Texas Government Code, Sec. 52.026(e).
- (m) **Waiver of CE Requirements**
  - (1) Any renewal applicant seeking renewal of a certification as a certified shorthand reporter without having fully complied with these CE requirements shall file with the Board a renewal application form along with the required fee set forth in Rule VI.C. of the *Standards and Rules for Certification of Certified Shorthand Reporters* as promulgated by the Texas Supreme Court, a notarized statement setting forth the facts concerning non-compliance and request a waiver of the CE requirements on the basis of these facts. A request for waiver shall be submitted at least three (3) months prior to the renewal date. If the Board, upon the recommendation of the Continuing Education (CE) Committee or its designee, finds from such affidavit or any other evidence submitted that extreme hardship has been shown for granting a waiver, the Board shall waive enforcement of CE requirements for the renewal period for which the applicant has applied.
    - (A) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable renewal period because of:
      - (i) Full-time service in the armed forces of the United States during a substantial part of the renewal period;

- (ii) An incapacitating illness documented by a statement from a currently licensed physician;
  - (iii) A physical inability to travel to the sites of approved programs documented by a statement from a currently licensed physician; or
  - (iv) Being retired from shorthand practice and not performing any reporting services. A renewal applicant on a leave of absence from shorthand reporting is not eligible for a waiver under the retired status.
- (2) Any renewal applicant who submits at least three (3) months prior to the expiration date of the certification a request for a waiver, in whole or in part, pursuant to the provisions of this section, shall be deemed in good standing until the final decision on the application is made by the Board.



# THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

POST OFFICE BOX 12248      AUSTIN, TEXAS 78711

TEL: (512) 463-1312

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CLERK  
JOHN T. ADAMS

JUSTICES

NATHAN L. HECHT  
CRAIG T. ENOCH  
PRISCILLA R. OWEN  
JAMES A. BAKER  
GREG ABBOTT  
DEBORAH G. HANKINSON  
HARRIET O'NEILL  
ALBERTO R. GONZALES

EXECUTIVE ASS'T  
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASS'T  
JIM HUTCHESON

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

January 3, 2000

Ms. Kelley King, Editor  
The Texas Bar Journal  
1515 Colorado Street  
Austin, Texas 78701

RE: Order of the Supreme Court of Texas No. 99-9244, January 3, 2000.

Pursuant to the order of the Court, I am forwarding the attached copy of the referenced order for publication in the Texas Bar Journal as soon as possible.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

Encl.



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

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GREG ABBOTT  
DEBORAH G. HANKINSON  
HARRIET O'NEILL  
ALBERTO R. GONZALES

January 3, 2000

Office of the Secretary  
of State  
Statutory Filings Division  
1019 Brazos Street  
Austin, Texas 78701

RE: Order of the Supreme Court of Texas No. 99-9244, January 3,  
2000.

Pursuant to the order of the Court, I am forwarding the attached  
copy of the referenced order for filing as appropriate.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

Encl.